



Division of
Enforcement

U.S. COMMODITY FUTURES TRADING COMMISSION

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February 2, 2016

Via ECF and UPS Express Delivery

The Honorable Richard M. Berman
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *CFTC v. 4X Solutions, Inc. and Whileon Chay*, No. 13 Civ. 2287 RMB-FM

Dear Judge Berman:

Plaintiff United States Commodity Futures Trading Commission ("Commission") respectfully requests leave from the Court to serve this Court's Order dated January 29, 2016 and Judgment dated January 29, 2016) (ECF Nos. 64 and 65) upon Defendants 4X Solutions, Inc. ("4X Solutions") and Whileon Chay ("Chay") by the alternative means previously approved by the Court (ECF Nos. 55, 57, 58, 61, 62 and 63).

As the Commission previously apprised the Court, because Chay's whereabouts were (and remain) unknown, this Court authorized service by publication and by other means. As detailed at page three of this Court's Default Judgment Order, Defendant Chay was served with the Show Cause Order by publication twice in both the *New York Post* and *New York Daily News* and by mailing the Show Cause Order to Chay's known relatives in the United States. Service of

the Show Cause Order on Defendant 4X Solutions was made by delivery to the New York Secretary of State (NYSOS).

Due to the considerable expense involved with service by publication, Plaintiff seeks leave to serve the Court's Order and Judgment (ECF Nos. 64 and 65) on Defendant Chay by delivery to his known relatives in the United States and on Defendant 4X Solutions by delivery to the NYSOS.

If the Court deems service of the Order and Clerk's Judgment by publication necessary with respect to Defendant Chay, Plaintiff requests leave to serve him in accordance with the Court's instructions concerning the Show Cause Order (i.e., by publication twice in *New York Post* and *New York Daily News*)

For the reasons set forth above, Plaintiff seeks leave to serve the Court's Order and Judgment (ECF Nos. 64 and 65) on Defendant Chay by delivery to his known relatives in the United States and on Defendant 4X Solutions via delivery to the NYSOS.

Respectfully submitted,

/s/ Michael Solinsky
Michael Solinsky